

NORFOLK, VIRGINIA

ACTION OF THE COUNCIL

TUESDAY, MAY 8, 2012 – 7:00 P.M.

Prayer offered by Councilwoman Angelia Williams, followed by the Pledge of Allegiance.

President Fraim moved to excuse Mr. Protogyrou from today's meeting.

Motion adopted.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

CEREMONIAL MATTERS

President Fraim presented a Proclamation to Steve Hawks, Human Services Director, proclaiming the month of May, Foster Care Month. He also proclaimed the week of May 8th, Public Service Recognition Week and presented a Proclamation to Amanda Lloyd.

PUBLIC HEARING

PH-1

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on revoking a Use Permit previously granted on February 15, 1983 on property numbered **333 Waterside Drive** and known as “the Waterside.”

Kevin Martingayle, 2101 Parks Avenue, Suite 801, Virginia Beach, spoke in opposition to this matter.

Thereupon, An Ordinance entitled, “An Ordinance revoking a Use Permit previously granted on February 15, 1983, by Ordinance No. 32,160, authorizing the sale of beer, wine and mixed beverages for on-premises consumption on a portion of the property now numbered **333 Waterside Drive and known as “The Waterside”**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 8, 2012.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

CONSENT AGENDA

C-1

Letter from the City Manager recommending a public hearing be held to hear comments on the conveyance of a GEM Lot to **Taffare Morgan** on property located at **912 Lexington Street**.

ACTION: City Clerk authorized to advertise for a public hearing on May 22, 2012.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

C-2 Letter from the City Manager requesting a public hearing be held to hear comments on the **Condemnation of Easement** for construction and maintenance of Wasterwater Main on property located at **221 Ethel Avenue**.

ACTION: City Clerk authorized to advertise for a public hearing on May 22, 2012.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Frain.

No. None.

C-3 Letter from the City Manager recommending a public hearing be held to hear comments on the conveyance of a GEM Lot to **Henrine W. Robinson** on property located at **863 A Avenue**.

ACTION: City Clerk authorized to advertise for a public hearing on May 22, 2012.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Frain.

No. None.

C-4 Letter from the City Manager recommending a public hearing be held to hear comments on the conveyance of a GEM Lot to **Keith Thompson** on property located at **2425 West Avenue**.

ACTION: City Clerk authorized to advertise for a public hearing on May 22, 2012.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Frain.

No. None.

C-5 Letter from the City Clerk presenting the request from Festevents for use of the **Mace and Police Honor Guard** in conjunction with the OpSail 2012 State Dinner scheduled for June 9, 2012.

ACTION: Approved use of Mace.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Frain.

No. None.

C-6

Letter from the City Manager transmitting **Statement of Legal Debt Margin and the Statement of Bonds Authorized and Unissued** as of March 31, 2012.

ACTION: Received and filed.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

REGULAR AGENDA

R-1

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of an eating and drinking establishment on property located at **721 West 21st Street**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 8, 2012.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of an Automobile Repair Facility on property located at **1179 Lance Road**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 8, 2012.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of an eating and drinking establishment on property located at **742 West 21st Street**,” was introduced in writing and read by its title.

Paul Chhabra, 742 West 21st Street, applicant, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective May 8, 2012.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting \$107,684.48 from the Office of **Emergency Medical Services Training Equipment Special Initiative Grant for Accredited Advanced Life Support Training Programs from the Virginia Department of Health, Office of Emergency Medical Services**, and appropriating and authorizing the expenditure of the \$107,684.48 in Grant Funds to purchase mannequins for the Department of Fire-Rescue,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 8, 2012.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a **USDA Summer Food Service Program Grant Award** of \$518,886.07 from the United States Department of Agriculture for the Norfolk 2012 USDA Summer Food Service Program,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 8, 2012.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **David L. Bettis** to encroach into the right of way of Willoughby Bay Avenue, a paper street, at **1348 Bayville Street**, with a five feet (5') wide open pile pier,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 8, 2012.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-7

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving an Amendment to the Agreement between the City of Norfolk and **The Commonwealth of Virginia Department of Transportation**, relative to the **ARRA Funded Citywide Repaving Project** numbered 0247-122, P101, M501, UPC T7872 and appropriating and authorizing the expenditure of \$1,062,868.00 in additional funds for said project,” was introduced in writing and read by its title.

Dan Montague, 4605 Krick Street, spoke in opposition to this matter.

ACTION: The Ordinance as introduced was **adopted**, effective May 8, 2012.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-8

Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, “An Ordinance granting a **Special Exception** to permit a retail goods establishment to operate after midnight on property located at **420 Monticello Avenue, Unit 120,**” was introduced in writing and read by its title.

Steve Romine, 999 Waterside Drive and Tom Johnson, 1700 Wells Fargo Center, were present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective May 8, 2012.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R- 8A

An Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the sale of alcoholic beverages for off-premises consumption on property located at **420 Monticello Avenue, Unit 120,**” will be introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 8, 2012.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-9

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of an eating and drinking establishment on property located at **411 Granby Street, Suite B,**” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 8, 2012.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-10

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting \$51,413.19 from the **Schools and Libraries Division of the Universal Service Fund E-Rate Grant Program** and appropriating and authorizing the expenditure of \$51,413.19 for Telecommunications and **Technology Services for the Norfolk Public Library,**” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 8, 2012.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-11

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving an assignment by **Russell Properties, L.L.C. to Supreme Petroleum Inc.** of that certain Lease between the City of Norfolk as Lessor and Russell Properties, L.L.C. as Lessee,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 8, 2012.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-12

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a Grant in the amount of \$30,682.00 from the **Virginia Department of Criminal Justice Services for the Norfolk Court-Appointed Special Advocate (CASA) Program** for Fiscal Year 2012, appropriating and authorizing the expenditure of the Grant Funds for the CASA Program, authorizing the expenditure of \$10,227.00 in City matching funds and funding a Special Project Employee Position for the CSA Program Director for Fiscal Year 2012,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 8, 2012.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-13

Letter from the City Manager and a Resolution entitled, “A Resolution requesting that the Director of the Virginia Department of Environmental Quality designate the boundaries of the Regional Solid Waste Planning Unit and designate the **Hampton Roads Planning District Commission** as the **Regional Solid Waste Planning Agency for the Regional Solid Waste Planning Unit**,” was introduced in writing and read by its title.

Ellis James, 2021 Kenlake Place, spoke in favor of this matter.

Dan Montague, 4605 Krick Street, spoke in opposition to this matter.

ACTION: The Resolution as introduced was **adopted**, effective May 8, 2012.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-14

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **MDV/Nash Finch** to encroach into and across the rights of way of **Norfolk Square and East Virginia Beach Boulevard** with a 2” HDPE conduit for service to 1133 Kingwood Avenue in the City of Norfolk,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 8, 2012.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-15

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Multi Misc. Properties Associates, LC and Jefferson Hotel Corporation** to encroach into the right-of-way of **232 W. Bute Street** with an awning,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 8, 2012.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-16

Letter from the City Manager and an Ordinance entitled, “An Ordinance permitting **Palace Shops South, LLC** to encroach into the right-of-way of 321, 323, 325, 327, and 329 W. 21st Street with non-structural façade, elements, signage, lighting and awnings,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 8, 2012.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-17

Letter from the City Manager and a Resolution entitled, “A Resolution authorizing participation by the City in a **Hampton Roads Planning District Commission Study** of further regionalization of Sanitary Sewer Service and Assets in the Hampton Roads Sanitation District area,” was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective May 8, 2012.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-18

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing the conveyance of a 50’ x 320’ utility easement to **Hampton Roads Sanitation District** relative to certain property at the intersection of an adjacent to **Powhatan Avenue and 43rd Street**, and authorizing the City Manager to execute the Deed of Easement on behalf of the City of Norfolk,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 8, 2012.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-19

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting Supplemental Grant Funds in the amount of \$243,750.00 from the **Commonwealth of Virginia for the Fiscal Year 2012 Comprehensive Services Act for At-Risk Youth and Families Funds Pool**, appropriating and authorizing the expenditure of the \$243,750.00 in Grant Funds and authorizing the expenditure of \$81,250.00 in local match funds from the City for the Comprehensive Services Act Funds Pool,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 8, 2012.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-20

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the City Treasurer to issue a refund to **Eckerd Corp.** based upon the correction of business license tax assessments for Tax Year 2009,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 8, 2012.

Yes: Burfoot, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

NEW BUSINESS

1. Cynthia Powell, 765 Washington Avenue, commented on the April 24th exchange between Councilmember’s Smigiel and Riddick regarding the coal fire plant.
2. Danny Lee Ginn, 3844 Dare Circle, spoke regarding good government and on the April 24th exchange between Councilmember’s Smigiel and Riddick regarding the coal fire plant.
3. Chuck Brewer, 222 Beck Street, expressed dissatisfaction over the response from the City Attorney’s Office regarding his inquiry concerning social security for retired police officers.
4. Henry Howell, III, One East Plume Street, spoke on the condemnation of an easement and eminent domain laws within the City.